

IN THE CLAIMS

The following complete listing of all claims will replace all prior versions, and listings, of claims in the application. The Examiner-requested moving of the term what is claimed is, has been included.

What is claimed is:

1. (Original) A vehicle load support for engagement to a vehicle comprising:

an elongated frame member having a first side member and a second side member;

said first side member and said second side member extending between an upper section with an engagement end, and a lower section with an attachment end;

said attachment end adapted for rotational engagement with the rear of a vehicle in a mounted position;

said frame member, in said mounted position, rotatable between an elevated position, and a lowered position wherein said upper section is positionable to contact one of the ground or cargo sitting on the ground;

means to maintain said frame member in said elevated position;

means to suspend said cargo from said upper section of said frame member; and

whereby said upper section of said frame member engaged in said rotational engagement with said vehicle, may be rotated adjacent to said cargo on said ground adjacent to said vehicle, and thereafter rotated to, and removably maintained in, said

elevated position, with said cargo suspended above said ground engaged upon said upper section.

2. (Original) The vehicle load support of claim 1 additionally comprising:

said lower section of said frame member in angled engagement with said upper section at a determined angle;

said determined angle imparting a vectored force comprising substantially the combined weight of said frame member and said cargo, when said frame member is in said elevated position; and

said vectored force communicated substantially toward said rear of said vehicle at said determined angle when said is maintained in said elevated position.

3. (Original) The vehicle load support of claim 1 additionally comprising:

said engagement end of said frame member positioned at a point on said frame member substantially equidistant between two distal ends of said frame member at said attachment end;

said first side member extending between said engagement end and one of said two distal ends;

said second side member extending between said engagement end and the other of said two distal ends; and

means for rotational engagement of each of said two distal ends with the rear of said vehicle.

4.(Original) The vehicle load support of claim 2 additionally comprising:

said engagement end of said frame member positioned at a point on said frame member substantially equidistant between two distal ends of said frame member at said attachment end;

said first side member extending between said engagement end and one of said two distal ends;

said second side member extending between said engagement end and the other of said two distal ends; and

means for rotational engagement of each of said two distal ends with the rear of said vehicle.

5.(Original) The vehicle load support of claim 1 wherein said means to maintain said frame member in said elevated position comprises:

a first flexible tether engaged at a first connection to said first side member and at a second connection to said second side member;

said first flexible tether having a tether center area between said first connection and said second connection;

a second flexible tether engaged at a first end to said vehicle and having a second end; and

means to slidably engage said second end of said second flexible tether to said center area of said first flexible tether.

6. (Original) The vehicle load support of claim 2 wherein said means to maintain said frame member in said elevated position comprises:

a first flexible tether engaged at a first connection to said first side member and at a second connection to said second side member;

said first flexible tether having a tether center area between said first connection and said second connection;

a second flexible tether engaged at a first end to said vehicle and having a second end; and

means to slidably engage said second end of said second flexible tether to said center area of said first flexible tether.

7. (Original) The vehicle load support of claim 3 wherein said means to maintain said frame member in said elevated position comprises:

a first flexible tether engaged at a first connection to said first side member and at a second connection to said second side member;

said first flexible tether having a tether center area between said first connection and said second connection;

a second flexible tether engaged at a first end to said vehicle and having a second end; and

means to slidably engage said second end of said second flexible tether to said center area of said first flexible tether.

8. (Original) The vehicle load support of claim 4 wherein said means to maintain said frame member in said elevated position comprises:

a first flexible tether engaged at a first connection to said first side member and at a second connection to said second side member and having a tether center area between said first connection and said second connection;

a second flexible member engaged at a first end to said vehicle and having a second end; and

means to slidably engage said second end of said second flexible member to said first flexible tether at said center area.

9. (Original) The vehicle load support of claim 1 wherein said means to maintain said frame member in said elevated position comprises:

at least one support rod engageable at a first end with a mount in communication with said vehicle; and

said support rod removably engageable at a second end with said frame member.

10. (Original) The vehicle load support of claim 2 wherein said means to maintain said frame member in said elevated position comprises:

at least one support rod engageable at a first end with a mount in communication with said vehicle; and

said support rod removably engageable at a second end with said frame member.

11. (Withdrawn) The vehicle load support of claim 1 wherein said attachment end is adapted for rotational engagement with said vehicle by employing a rotational means of attachment to a support bar; and

said support bar is adapted for cooperative engagement with a trailer hitch orifice mounted on said vehicle.

12. (Withdrawn) The vehicle load support of claim 2 wherein said attachment end is adapted for rotational engagement with said vehicle by employing a rotational means of attachment to a support bar; and

said support bar is adapted for cooperative engagement with a trailer hitch orifice mounted on said vehicle.

13. (Withdrawn) The vehicle load support of claim 9 wherein said attachment end is adapted for rotational engagement with said vehicle by employing a rotational means of attachment to a support bar; and

said support bar is adapted for cooperative engagement with a trailer hitch orifice mounted on said vehicle.

14. (Withdrawn) The vehicle load support of claim 10 wherein said attachment end is adapted for rotational engagement with said vehicle by employing a rotational means of attachment to a support bar; and

said support bar is adapted for cooperative engagement with a trailer hitch orifice mounted on said vehicle.

15.(Original) The vehicle load support of claim 1 additionally comprising:

said upper section being separable from said lower section.

16.(Original) The vehicle load support of claim 2 additionally comprising:

said upper section being separable from said lower section.

17.(Original) The vehicle load support of claim 9 additionally comprising:

said upper section being separable from said lower section.

18.(Original) The vehicle load support of claim 1 additionally comprising:

a support brace extending between said first side member and said second side member.

19. (Original) The vehicle load support of claim 2 additionally comprising:

a support brace extending between said first side member and said second side member.

20.(Original) The vehicle load support of claim 15 additionally comprising:

a support brace extending between said first side member and said second side member.

21.(Original) The vehicle load support of claim 1 wherein said means to suspend said cargo from said upper section of said frame member comprises:

an elongated flexible support strap; and

a plurality of support loops formed in said support strap.

22.(Original) The vehicle load support of claim 2 wherein said means to suspend said cargo from said upper section of said frame member comprises:

an elongated flexible support strap; and

a plurality of support loops formed in said support strap.

Regarding the Claim Rejections under 35 U.S.C. 102

Claims 1-4, 9-10, 15-20, have been rejected under 35 U.S.C. 102 as being anticipated by U.S. 5377885 (Wyers). Applicant respectfully disagrees with this anticipation rejection in light of the fact that Applicant clearly stated in claim 1 that the frame member, in the mounted position, is rotatable between an elevated position, and a lowered position wherein said upper section is positionable to contact one of the ground or cargo sitting on the ground.

The cited art of Wyers does not operate as the Examiner indicates. It does not rotate on its engagement to the bumper of a car between the ground or cargo sitting on the ground.

The Examiner cites the phantom line drawing of figure 1 for the purpose of showing such rotation. The text citation employed by the examiner is at (column 1, lines 33-52).

As clearly stated in Wyers, the device does not rotate on its fulcrum against the bumper. The only rotation in Wyers, is of the hub (50) which will rotate the mounts 44 and 45, up and down, once the device itself is mounted by straps 23 and 31 to a fixed position.

The figure 1 phantom line, actually describes the mounting of the device to a fixed position on the car. At column 5, line 5, it states:

"To mount the carrier to the vehicle, the lower end of the offset portions 15 seats on the top of the vehicle bumper 11. The upper straps 31 are first fastened to the vehicle fastening structure 36 and then the lower straps 21 are fastened to the vehicle fastening structure 30 to initially locate the frame side portions 13 in an upright position with a rearward tilt as shown in dashed lines in FIG. 1. The lower straps 31 are drawn taut with the rearward angle for the frame side portions 13 being about 20 degrees to the vertical. The upper straps 31 are then drawn taut to bring the frame side portions 13 to a vertical position."

The Wyers device does not, and cannot rotate the device to touch one of cargo or the ground since it must be firmly mounted by straps on top of the bumper or it will fall off. The phantom line depiction is essentially the maximum angle the device will tilt, before it slides off the bumper.

Wyers teaches solely the mounting of the device with the cited figure 1 and attaches the upper straps 31 first, then the lower straps to pull the end (17) onto the top of the bumper. If the upper strap 31 were loosened, and end 17 tilted past the depicted phantom, it will just fall off the bumper.

Finally, the Examiner's note that the upper frame section is thus rotationally engaged to the vehicle is also in error. At the cited language (column 1, lines 33-52) the only pivot mentioned, is that of the article supports 44 and 45 being engaged to a pivot 50 allowing only the article supports 44 and

45 to pivot after the device is firmly mounted upright. These supports do not touch the ground.

As such, the Wyers device lacks a frame member, when in a mounted position which is rotatable between an elevated position, and a lowered position where the upper section is positionable to contact one of the ground or cargo sitting on the ground to allow the upper section of said frame member engaged in said rotational engagement with said vehicle, to be rotated adjacent to said cargo on said ground adjacent to said vehicle, and thereafter rotated to a vertical position.

Wyers teaches against rotation of the frame by clearly indicating that once the lower portion is teetering on the top of the bumper, the upper strap 31 is engaged and tightened to make it vertical and once vertical the lower strap 23 is cinched to maintain the Wyers device in a vertical fixed position. Only theater can the supports 44 and 45 rotate on their pivot(50).

As the court said in Richardson v. Suzuki Motor Co., 9 USPQ2d 1913 at 1920 (Fed. Cir. 1989):

"Rejection for anticipation or lack of novelty requires as the first step in the inquiry, that all the elements of the claimed invention, be described in a single reference."

Here, the cited reference lacks the rotational enragement of applicant's device and resulting function of rotating the entire device to pick up a heavy load on the ground and rotate it to the

elevated position. In Wyers the frame is fixed vertical, and the load must be lifted onto the supports 44 and 45.

Regarding the Claim Rejections under 35 U.S.C. 103

Mazzei in view of Kantrowitz

Remaining claims 9-10 and 21-22, have been rejected under 35 U.S.C. 103(a) as being anticipated by Wyers in combination with Poindexter.

As noted, Wyers lacks elements and resulting utility and function provided by applicants device. Any combination with Poindexter would lack the same and the objection per section 103 is respectfully traversed.